

1 David M. Tall
2 Oseran, Hahn, P.S.
3 10900 NE Fourth Street, Suite 1430
Bellevue, WA 98004
(425) 455-3900

Hon. Marc Barreca
Chapter 11
Date: August 1, 2014
Time: 9:30 a.m.
Response Date: July 25, 2014

4
5
6
7

8 **UNITED STATES BANKRUPTCY COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 IN RE:
12 SAM A. ADAMS and ERIKA M. ADAMS,
13 Debtors.

14 No. 14-15003-MLB

15 **NOTICE OF HEARING AND**
MOTION TO COMPEL DEBTOR TO
PAY ADEQUATE PROTECTION AS
REQUIRED BY THE COURT

16 **NOTICE OF HEARING**

17 TO: THE CLERK OF THE COURT

18 AND TO: Sam A. Adams and Erika M. Adams, Debtors
19 Lawrence K. Engel, Attorney for Debtor

20 PLEASE TAKE NOTE that Landlord H-P Properties/All Star, LLC (hereinafter
21 "Landlord") of those premises located at 2629 SW Andover Street, Seattle, Washington 98126,
22 through its attorneys of record Oseran Hahn, P.S., David M. Tall of counsel, will present an issue
of law in this case which will be heard on the date below and the Clerk of the Court is requested to
note this issue on Judge Barreca's calendar for that day.

23 NOTICE OF HEARING AND MOTION TO COMPEL DEBTOR
24 TO PAY ADEQUATE PROTECTION AS REQUIRED BY THE
25 COURT-1
F:\DMT\HRP\Allstar\Adams - Adequate Protection N & M.doc 7/11/14
(E) #98431.008

OSERAN HAHN P.S.
10900 NE Fourth Street #1430
Bellevue WA 98004
Phone: (425) 455-3900
Facsimile: (425) 455-9201

1 Hearing Date and Time. August 1, 2014 @ 9:30 a.m.

2 Location. U.S. Bankruptcy Court, 700 Stewart St., Courtroom 7106, Seattle, WA.

3 Nature of Motion. Motion to Compel Debtor to Pay Adequate Protection to Debtors'
4 Landlord regarding those premises located at 2629 SW Andover Street, Seattle, Washington
5 98126, as required by the Court Order.

6 Your response to this motion must be filed and served at least seven days prior to the date
7 of the hearing; if no response is filed within this time the Court may in its discretion grant the
8 motion prior to the hearing without further notice.

9 **MOTION**

10 COMES NOW Landlord by and through its attorneys of record, Oseran Hahn, P.S., David
11 M. Tall of counsel, and moves the Court for entry of an order compelling the Debtors to pay the
12 adequate protection ordered by the Court.

13 This Motion is based on the records and files in this proceeding, and the Declaration of
14 David M. Tall submitted herewith together with attached exhibit.

15 **BACKGROUND FACTS**

16 Debtors failed to make rental payments due under the terms of the Master Lease with
17 Landlord and thereafter an unlawful detainer action was commenced. The Show Cause hearing
18 was set for June 30, 2014. Prior to that hearing this bankruptcy proceeding was commenced. The
19 verified Complaint and the Declaration of John Pietromonaco attached as Exhibits 1 and 2
20 respectively to the Declaration of David M. Tall, filed contemporaneously herewith set forth the
21 pertinent facts. Creditor was owed \$556,988.62 plus attorney fees and costs as of June 30, 2014.
22 July base rent of \$110,000 plus real estate taxes of \$15,492.28 and the insurance premium of
 \$5,521.17 are further due. August rent will be due at the time of the scheduled hearing.

NOTICE OF HEARING AND MOTION TO COMPEL DEBTOR
TO PAY ADEQUATE PROTECTION AS REQUIRED BY THE
COURT-2
F:\DMT\HRP\Allstar\Adams - Adequate Protection N & M.doc 7/11/14
(E) #98431.008

OSERAN HAHN P.S.
10900 NE Fourth Street #1430
Bellevue WA 98004
Phone: (425) 455-3900
Facsimile: (425) 455-9201

The Landlord respectfully argues for adequate protection that the Debtors pay a minimum of July and August rent plus real estate taxes and insurance premiums due (to wit: the total sum of \$262,026.90) within five (5) days of the date of the Court Order, and further pay such rental as it comes due no later than the 5th of each month thereafter commencing September 5, 2014.

DATED: July 11, 2014.

OSERAN, HAHN, P.S.

By /s/ David M. Tall
DAVID M. TALL, WSBA #12849
Attorney for H-P PROPERTIES/ALL STAR, LLC

**NOTICE OF HEARING AND MOTION TO COMPEL DEBTOR
TO PAY ADEQUATE PROTECTION AS REQUIRED BY THE
COURT-3**
F:\DMT\HRR\Allstar\Adams - Adequate Protection N & M.doc 7/11/14
(E) #98431.008

OSERAN HAHN P.S.
10900 NE Fourth Street #1430
Bellevue WA 98004
Phone: (425) 455-3900
Facsimile: (425) 455-9201

CERTIFICATE OF SERVICE

I, Eva M. Lee, certify that I am not less than 18 years of age and not a party to the matter concerning the service made. I further certify that the service of the foregoing document was made by ECF (electronic filing) and by mailing a copy via US Mail, postage prepaid to the following:

Lawrence K. Engel
Attorney for Debtors
40 Lake Bellevue, Suite 100
P.O. Box 580
Bellevue, WA 98009

Sam Adams and Erika Adams
13245 Holmes Pt. Dr. N.E.
Kirkland, WA 98034

Sarah R. Flynn
700 Stewart St Ste 5103
Seattle, WA 98101

on July 11, 2014, in Bellevue, Washington.

Under penalty of perjury, I declare that the foregoing is true and correct.

/s/ Eva M. Lee
Eva M. Lee

NOTICE OF HEARING AND MOTION TO COMPEL DEBTOR
TO PAY ADEQUATE PROTECTION AS REQUIRED BY THE
COURT-4
F:\DMT\HRP\Allstar\Adams - Adequate Protection N & M.doc 7/11/14
(E) #98431.008

OSENAR HAHN P.S.
10900 NE Fourth Street #1430
Bellevue WA 98004
Phone: (425) 455-3900
Facsimile: (425) 455-9201